

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION

BOBBY BLAND, DANIEL RAY  
CARTER, JR., DAVID W. DIXON,  
ROBERT W. MCCOY, JOHN C.  
SANDHOFER and DEBRA H.  
WOODWARD,

Plaintiffs,

v.

B. J. ROBERTS, individually and  
in his official capacity as Sheriff  
of the City of Hampton, Virginia,

Defendant.

CASE NO: 4:11cv45

**ANSWER AND AFFIRMATIVE DEFENSES**

Defendant, B.J. Roberts, by counsel, hereby responds to plaintiff's Complaint as follows:

**ANSWER**

1. Denied.
2. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.
3. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.
4. Admitted in part; denied in part. Defendant admits that plaintiff Bland was employed by Sheriff Roberts as a non-sworn employee; Defendant denies the remaining allegations of paragraph 4 of the Complaint.

5. Admitted in part; denied in part. Defendant admits that plaintiff Daniel Ray Carter, Jr. was employed by Sheriff Roberts as a sworn deputy; Defendant denies the remaining allegations contained in paragraph 5 of the Complaint.

6. Admitted in part; denied in part. Defendant admits that plaintiff David W. Dixon was employed by Sheriff Roberts as a sworn deputy; Defendant denies the remaining allegations contained in paragraph 6 of the Complaint.

7. Admitted in part; denied in part. Defendant admits that plaintiff Robert W. McCoy was employed by Sheriff Roberts as a sworn deputy; Defendant denies the remaining allegations contained in paragraph 7 of the Complaint.

8. Admitted in part; denied in part. Defendant admits that plaintiff John C. Sandhofer was employed by Sheriff Roberts as a sworn deputy; Defendant denies the remaining allegations contained in paragraph 8 of the Complaint.

9. Admitted in part; denied in part. Defendant admits that plaintiff Debra H. Woodward was employed by Sheriff Roberts as a non-sworn employee; Defendant denies the remaining allegations of paragraph 9 of the Complaint.

10. Admitted in part; denied in part. Defendant denies the allegation of his being sued in both his individual and official capacities as a conclusion of law. Defendant admits the remaining allegations of this paragraph.

11. Denied.

12. Admitted.

13. Admitted in part; denied in part. Defendant admits that he is elected every four years in accordance with the Constitution and laws of Virginia; the remaining allegations of paragraph 13 of the Complaint are denied.

14. Denied.

15. Denied.

15(a) Denied.

15(b) Denied.

15(c) Denied.

15(d) Denied.

16. Denied.

17. Denied.

18. Denied.

18(a) Denied.

18(b) Denied.

18(c) Denied.

18(d) Denied.

18(e) Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.

25. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.

26. Denied.

27. Denied.

28. Paragraph 28 does not set forth any allegations requiring defendant to respond.

29. Defendant incorporates by reference his responses to paragraphs 1 through 28 as if set forth at length.

30. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.

31. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Defendant incorporates by reference his responses to paragraphs 1 through 35 as if set forth at length.

37. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.

38. Denied. Defendant denies the allegations of this paragraph as a conclusion of law.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

**AFFIRMATIVE DEFENSES**

1. Plaintiff fails to state a claim upon which relief may be granted under 42 U.S.C. § 1983.
2. Plaintiffs fail to state a claim upon which relief may be granted under the First or Fourteenth Amendments to the United States Constitution.
3. Plaintiffs served at defendant Sheriff Roberts' will pursuant to Va. Code § 15.1-48.
4. All employment decisions involving plaintiffs were constitutional, lawful, not the result of any improper purpose or motive, and not in retaliation for political expression.
5. Plaintiffs' claims are barred, in whole or in part, by their own conduct.
6. Defendant denies that he has breached any of plaintiffs' constitutional, statutory or common law rights, denies any wrongdoing, intentional or tortious behavior, and denies that plaintiffs are entitled to any relief whatsoever.
7. Defendant denies that he is indebted to plaintiffs for any reason or for any amount.
8. Defendant did not act with malice or recklessness toward plaintiffs, but rather acted in good faith at all times in his treatment of plaintiffs, thereby barring any claims for compensatory or punitive damages.
9. Defendant reserves the right to add such other and further defenses as may be developed in the course of discovery in this action.
10. Any paragraph of the Complaint not admitted or denied is hereby denied.

11. Jury trial demanded. Defendant requests a jury trial on all issues raised in the plaintiff's Complaint.

B. J. ROBERTS, SHERIFF, Individually  
and in his official capacity as Sheriff  
of the City of Hampton, Virginia

By: \_\_\_\_\_/s/\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of April, 2011, I electronically filed the foregoing ***Answer and Affirmative Defenses*** with the clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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